

Board Meeting

Minute of meeting held on 22 October 2024 at 11:00am

Meeting held at Thistle House

Present:

Sandy Riddell, Chair

Gordon Johnson, Vice Chair

Nichola Brown

Kathy Henwood

Alison White

Cindy Mackie

Mary Twaddle

In attendance

Julie Paterson, Chief Executive Officer

Julie O'Neill, Business Change and Improvement Manager

Claire Lamza, Executive Director (Nursing)

Elizabeth Halliday, Finance Manager for Item 9.1 only

Rebecca Maxwell, Consultant, for Item 9.2 only

Secretary

Stuart Gray

1. Welcome & Apologies

The Chair welcomed all members to this meeting.

Apologies were received from David Hall, Arun Chopra, Executive Director (Medical) , Suzanne McGuinness, Executive Director (Social Work) , Ashley Dee, Head of Culture & Corporate Service

2. Board Declarations and Register of Interests

There were no new declarations of interest.

3. Chair Update and Announcements

1.The Chair firstly announced that it had been decided to postpone next month's national event that we were due to host. He advised that to date although there was interest from around 40 individuals, many were not in the leadership positions targeted and were substitutes. He was very disappointed by this as the original focus of this follow-up event was to reflect on progress from leaders across Scotland and hold them to account on what had or had not been delivered in terms of the ambitions that we had all signed up to. He is proposing that it is rescheduled for the Spring, that we try to hold it in-person and that we work closely with some stakeholders to have a number of initiatives to update delegates on or even launch.

2.The Chair reminded the Board of the meeting organised with Stephen Gallagher on the 30th. This introductory meeting has been arranged following Stephen being unable to meet with the Board at last month's Q&A due to illness. He recognised that not everyone will be able to attend at such short notice.

3.The Chair advised that he and Julie recently met with some colleagues from the Scottish Government and the Public Appointments Team to begin to plan for the appointments process for Board members. He advised that it is currently envisaged that the positions will be advertised around Wednesday 20th November with a closing date around 11th December. Interviews are currently being planned for the week commencing 3rd February.

4.The Chair added in relation to forthcoming changes to the Board that he was now beginning to consider succession planning and ensuring continuity for the governance structure. In this respect, he pointed out that the Commission's two committees would each have a vacancy and he asked that if any of the remaining Board members would like to join a committee, or indeed change committees, they should contact him direct by the end of November.

5.The Chair intimated that he wanted to organise an annual Chairs meeting this January. This particular meeting met for the first time last January and proved to be very beneficial. He intends to communicate with those involved over the next month to plan dates and seek agenda items.

6.Finally, the Chair pointed out that on today's agenda we are following through on a couple of issues that have arisen through appraisals and board self-assessment; namely input from Elizabeth on her role and the role of the finance team and what they seek from the Board and secondly feedback from Rebecca Maxwell, Independent Consultant from Perception Insights, on the leadership training she ran across 3 different staff teams; what came from it and thoughts on moving forward. He added that this was another important element on taking forward our shared commitment to strengthening both Commission governance and staff wellbeing. And he added that today's item at 8.1 on the work that Julie has been undertaking in relation to more visible leadership also provides the Board with a lot of assurance in this respect.

4. CEO Update

JP advised that there have been some challenges as the shared services programme progresses towards implementation. In AD's absence Elizabeth Halliday has been dealing with the queries and inevitable teething problems. JP noted her thanks to Elizabeth who will refer in more detail during her presentation later on.

JP also suggested that an extra paper be brought to the board in December to give an update on the staff survey in advance of the focus groups and final report in February 2025. The Board agreed with this plan.

5.a) Minutes of Board meeting held on 20 August 2024

The minutes were approved for this meeting

5.b) Action Points

Action Points updated accordingly

6. Advisory Committee

6.1 Advisory Committee Update

The Chair invited MT and NB to update the Board. MT informed the Board that while the standard agenda updates were discussed, particular attention was given to the development of a proposed Lived Experience Panel. Various perspectives were shared on the expectations from both the individuals involved in the panel and the support to be provided to them.

MT confirmed that SAMH recommended that members participating in the panel should be compensated and supported to be involved.

MT explained that Graham Morgan referenced some reports written by him but NB confirmed these reports were Graham's own and had not been through any Commission processes or groups.

MT confirmed that the committee is willing to convene an additional ad hoc meeting before the next scheduled one to further explore the objectives of a Lived Experience Panel or

alternative model and next steps. It was noted that there are a number of complexities and options to consider to ensure true representation.

The Chair also emphasised the importance of delineating responsibilities between the suggested panel or alternative model, the Advisory Committee, and the Board.

NB wished to formally acknowledge the excellent work of Fiona Hamilton in preparing the minutes and noted the advisory committee's demonstrated commitment to integrating lived experience.

The Chair proposed that further scoping work would be beneficial and suggested that the following areas should be outlined for discussion at the next Commission Board meeting:

1. Role and remit of a model to integrate lived experience
2. The model's areas of focus
3. Terms of reference

MT welcomed the Chair's proposal, indicating that these discussions would help shape the longer-term strategy.

SR recommended that a progress update/options appraisal report be presented in December, as the Advisory Committee will expect leadership on this matter.

ACTION: AC to complete progress update/options paper to be presented to the Board on 10 December.

7. Items for discussion and/or approval

7.1 Budget Update

JP presented the paper to the Board noting the three budget pressures highlighted in the SBAR during this financial year potentially. JP confirmed that the DMP fees would increase as a result of the pay award and advised that the agreed cap continues to be helpful given this is a demand led service. With reference to the reported underspend JP noted that this makes assumptions in relation to backfill for staff costs into the IMP project and Elizabeth Halliday will undertake more detailed work in relation to this and any other underspends for AP&R Committee next month.

The Board approved the paper

7.2 Business Plan Progress Report as at 8 October 2024

JON presented the Business Plan Progress Report and papers and invited questions from board members.

SR thanked JON for the work on the business plan, stating that he found the descriptor included for any delays extremely helpful, coupled with the visibility and improvement intentions. He said this makes the business plan a clear and impressive read.

JP confirmed that delays for the Scottish Social Services Council (SSSC) had occurred due to SSSC staffing shortages and the delay for the Care Inspectorate related to the use of Teams which the Information Governance Manager is now satisfied with.

Discussion centred on the mental health and learning disability national coordination group which CL confirmed is being reshaped into a collaborative framework. CL advised that the purpose and scope has yet to be clarified with partners. GJ suggested the meeting with Stephen Gallacher scheduled for 30 October might be a good opportunity for board members to discuss.

CM thanked JON particularly for the helpful narrative and asked about the DMP audit work and where this sits. JON advised this is in the risk register to be presented to the next AP&R Committee. It was agreed that this information should also be monitored via the performance report.

The Board approved the paper

7.3 CCTO Closure Report

JP explained that the closure report refers to the report published in February 2024 titled Compulsory treatment for mental illness in the community: how is it working?

JP referred to the collaborative work done with the mental health tribunal for Scotland who are now reviewing previous applications for extensions of orders given the concerns raised in this report.

JP noted that Yvonne Bennett, Senior Manager, has led on this work from the start and completed the closure report well within the performance target of 15 months.

MT asked about the request to change the good practice guide in relation to social circumstance reports (SCRs). JP confirmed that the Commission believes that an annual SCR should be required to inform review decisions however there was a request to remove this suggestion in our guidance. The Commission is clear that a section 86 determination does not comprehensively address the same criteria as an SCR, particularly in exploring alternatives to continued detention so the Commission retains the view on the need for an annual SCR. MT requested that the report be altered to provide this detail.

Action: The report will be updated to include more detail in relation to the query about the SCR good practice guide.

KH sought clarification on the ages of those subject to CCTOs, specifically younger people. JP confirmed that the report referred to people who had been on CCTOs for two years or more without a return to hospital. She will confirm directly to KH the numbers within younger age groups.

The Board approved the paper.

7.4 Mr E (2024) Closure Report

JP presented the Closure Report to the Board for approval, confirming that Mr. E remains in a care home for people with dementia. The Commission's follow-up work will continue until it is assured that Mr. E's care can be appropriately transferred to another more appropriate setting.

CM requested further clarification on the 'light touch' approach mentioned in the report, specifically in relation to the importance of the Commission's responsibilities and protections being clearly defined. JP acknowledged this and explained that it had sometimes been important to retain and reinforce a Commission perspective and not become involved in operational activity.

AW inquired about the long-term objectives for Mr. E and the exit strategies in place, asking whether the Commission would remain in contact solely with Mr. E or with anyone the Commission investigates the care of in future.

KH asked about where agreed actions were not adhered to, how the Commission would handle this, and what would be the next steps. JP confirmed that ultimately the Commission can raise with the Minister if actions are not progressed as necessary.

MT followed on from the points made by CM and AW and noted that this paper reads like a closure report, but actions have not been closed and when would the Commission step back from Mr E's case? JP reported that the Commission had made 5 recommendations, all 5 have not been addressed at this time to the satisfaction of the Commission but noted MT's point as to whether this is truly a closure report.

It was recommended that confirmation is received that the report has gone to HSCP A's chief officers' group as well as other governance groups referred to.

Action: Confirmation to be sought that Mr E (2024) report has been tabled at HSCP A's chief officers' group.

The Board approved the paper

7.5 IMP Replacement Progress Report

JP presented the IMP Progress Report for information, outlining the challenges encountered due to the Commission not receiving the required information within the 20-day timeframe. Despite these delays, the target date for the implementation of the new IMP system remains April 2025.

GJ commended the quality of the report and expressed thanks to the team involved.

The Board noted this paper

7.6 Consumer Duty

JON presented the paper to the Board for discussion.

The discussion focused on the suggestion from the Scottish Government to appoint a Consumer Champion. GJ and CM both agreed that the work currently undertaken by the Commission already embodies the values necessary to fulfil this role.

NB suggested that rather than appointing a specific champion, the Commission could address the issue through existing processes and policies. NB proposed adding relevant questions to the SBAR template as an alternative. JON concurred, noting that the Standard Operating Procedures (SOP) include a scrutiny process, and that an additional statement would be incorporated into the Annual Report.

CM recommended that the communications plan be included in the recommendations, emphasising its relevance to promoting access to services. JON further added that consumer duty considerations would be integrated into the Annual Report, with a statement that the Board collectively assumes responsibility as Consumer Duty Champion.

Action: Update to be provided to the Board in 12 months' time.

7.7 IG-POL-02 Risk Management and IT Code of Conduct handbook for staff

SR reflected on how comprehensive the paper was.

KH highlighted that the section on the use of social media does not cover volunteers.

CM suggested amending the report to include the statement: "Managers are responsible for ensuring completion of training" and recommended changing the reference to home Wi-Fi from "home Wi-Fi is presumed to be secure" to "home Wi-Fi must be secure." There was further discussion on what constitutes secure home Wi-Fi, with the consensus being that it must be password protected.

MT raised a question regarding how the Board should manage data differently in light of this report, what considerations had been given to the Board's standards and requested further review on these points.

A question was raised about whether deleting email trails could result in the loss of important data which the Commission may rely on, e.g. for investigations. JON clarified that individual case information and records are uploaded to the service users' records on the IMP system and that Outlook should not be used for file storage. AW added that further clarification may be needed on whose responsibility it is to save or archive documents appropriately.

The Chair asked the Board for approval of the paper, subject to the potential issues being looked into, with JP agreeing that it would be explicit with how the storage of data is managed.

Action: JON to feedback to Paloma Alvarez and an update to be brought back to the Board in December taking account of questions raised.

8. For Information

8.1 Report Objectives 2024-2025 Visible CEO leadership

JP presented the report to the board for information. She reflected on the conversations had with staff which she described as a pleasure. It was explained that whilst there is work to do, discussions on culture and the type of place we want to work in were both positive and constructive and not a 'moan fest' as one person had commented. JP acknowledged that a management culture in terms of performance, accountability and responsibility was growing and contact with 40 staff as part of this small group chat process gave much hope in relation to how we manage and the culture we want to work in. JP explained that this engagement will be further informed and complemented by the staff survey and the feedback from the external consultant who is presenting today.

CL confirmed that staff surveys at the Commission have often been done in relation to issues arising historically whereas the current staff survey is not reactive but will help us to look back, compare and continue to make progress.

CM commented that it was admirable that JP prioritises direct discussion with staff as described. She asked about training requirements identified by staff and what progress has been made. CL explained that seeking a trainer has proved difficult to date with no health boards contacted so far being in a position to provide breakaway/de-escalation training. MT offered to provide CL with a contact. It was noted that this action needs to be addressed as soon as possible.

CM welcomed JON's feedback that HR policies are now more accessible and that this action has been addressed.

The Chair emphasized the significance of internal communications and management support. JP agreed, adding that internal auditors had so far highlighted the need for an internal communication strategy that ensures the right staff receive the right information at the right time. The full report is awaited.

8.2 Annual Report on Adults with Incapacity

The Board noted the report, the highlights of which were discussed at the last meeting. This report has since been published.

The Board noted the report.

8.3 Annual Report on MHA Monitoring

JP presented AC's report in his absence due to annual leave.

GJ highlighted that consulting with a Mental Health Officer (MHO) appears to be often viewed as optional rather than incorporated into standard procedure. AW agreed, noting a concerning trend in which MHOs are not being consulted even when available. This has been observed through local HSCP data analysis, including staffing rotas.

MH pointed out that this issue is particularly prevalent in the GCC area, which has the highest number of detentions and the lowest recorded MHO consultations. JP noted that the

issue is multifactorial and not simply related to availability of MHOs as explained by AW. She advised that, at end of year meetings last year, HSCPs were asked to scrutinise their own data on EDCs to determine the factors impacting the low rate of consultation with MHOs. With publication of this report, it is opportune to remind HSCPs that the Commission will be keen for their insight during this year's round of meetings. JP also reminded that the SMHLR suggested that all EDCs without MHO consent should be brought to the Commission's attention and indeed MHO practitioners have suggested that MHOs should be required to sign EDCs.

CM raised concerns regarding the ethnicity data being unavailable as mentioned in the report, requesting that this be investigated and the Board made aware of the reason for the fall in reported ethnicity data.

Action: The Commission to write to all HSCPs post publication to remind of the intention to discuss local challenges at the next round of EOY meetings.

Action: AC to provide the Board with detail in relation to ethnicity data challenges.

The Board noted the paper.

8.4 Report on young people admitted to adult wards

JP presented the paper prepared by Helen Dawson/AC to the Board.

AW and KH reflected on some changes in practice which may lead some young adults to receive care in child and young people secure care settings rather than young offender institutions and wondered if the Commission was sighted on this. JP was not sure the Commission is aware and asked to discuss further with AW.

Action: AW and JP to discuss.

8.5 MWCS Response to Social Security Appointees for adults in exceptional circumstances

JP presented the paper to the Board for Information only.

KH explained that transport of young people to specialist facilities was becoming a growing problem.

The Board noted the paper for information.

8.6 MWCS Response to calls for views on the National Care Service

JP presented the paper to the Board for information only. This led to discussion regarding the various views expressed on this subject by numerous stakeholders however it was noted that it appears that the NCS is still going forwards.

The Board noted the paper for information.

8.7 MWCS response to AWI Reform Consultation

JP presented the paper to the board for information.

There were no questions raised.

The Board noted the paper

9. Board Agenda Planning

The board agreed the following dates and that April and October would be in person:

Tuesday 29 April 2025 - In Person

Tuesday 24 June 2025 -Online

Tuesday 26 August 2025 - Online

Tuesday 21 October 2025 – In Person

Tuesday 09 December 2025- Online

Tuesday 24 February 2026- Online

AP& R

3 February 2025

16 June 2025

24 November 2025

10. Any Other Competent Business - None

10.1 Finance Presentation

EH finance manager joined the meeting to present the finance presentation to the board.

10.2 Leadership and Teamworking Training

Independent Consultant, Rebecca Maxwell (RM), presented findings to the Board following the delivery of three phases of work across the Commission and titled this Building a Culture of Leadership & Teamworking at the Mental Welfare Commission for Scotland.

RM reported that the Commission has a staff group strongly committed to doing the best for the Commission and the population it serves. She noted some reluctance at middle manager level (although not exclusively at this level) to fully embrace their responsibilities as managers and take on some difficult conversations. RM suggested that skill development training could help mitigate any risks associated with this. CM questioned whether management training, rather than leadership training, would be more appropriate to ensure that expectations of managers are clear.

When discussing enablers and barriers, the Chair noted the positive reference to psychological safety. The Chair sought more detail from RM as an independent consultant that she had found no concerns in relation to psychological safety and staff feeling able to speak up. RM confirmed that she found no evidence of a lack of psychological safety but did note a minority view of not feeling listened to however certainly not enough to conclude that there is an overall problem to be dealt with. Further discussion then focussed on the barriers including the fact that hybrid working may limit opportunities for staff to get together, leading to potential silos and missed opportunities for sharing information and ideas.

JP confirmed that practitioner staff had asked for opportunities to have teams A and B join together and this is happening in January. There will also be an all staff event early in 2025 to which Board members will be invited as RM's feedback and the staff discussions last month confirm the desire for staff to come together more often. GJ also suggested that virtual coffee catch ups could be scheduled. JP confirmed that these were set up during covid as well as e.g. a book club and could be revisited.

CM highlighted the importance of next steps and the need for an implementation plan. This was agreed as was the importance of drawing on the staff survey and staff discussions given the commonalities and triangulation. It was agreed that the first step should be for RM to share the slide show with the whole staff group and for management training to be identified and taken forward as discussed.

The Chair thanked RM for her presentation, and RM left the meeting.

AW suggested the importance of reflecting on barriers which may relate to history and tradition at the Commission. It will be important to take this into account when considering the culture the Commission needs to have now.

Action: An implementation plan to be developed from the feedback received, involving consultant RM

11. Date of Next Meeting

10 December 2024